

**DURHAM, NORTH CAROLINA**  
**MONDAY, April 2, 2001**  
**7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Mayor Tennyson.

Also present: Interim City Manager Greg Bethea, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Clement called the meeting to order and at that time, he read a proclamation designating April 2001 as "National Child Abuse Prevention Month."

Council Member Blyth recognized John Schelp concerning a successful initiative conducted on behalf of Blues Legend Blind Boy Fuller.

John Schelp acknowledged individuals involved in the initiative to recognize the famous Piedmont Blues Artist born in North Carolina and noted that Durham would get two markers.

Also, Council Member Blyth recognized Police Chief Teresa Chambers for her acceptance to the FBI's 24<sup>th</sup> Annual National Executive Institute.

Council Member Larson announced the Finance Committee Meeting would be held April 5, 2001 at 3:00 p.m. in the Housing and Community Development Department.

Council Member Jacobs announced the Public Works Committee is scheduled to meet April 9, 2001 at 3:00 p.m. at the North Durham Water Reclamation Facility. She noted that she would be out-of-town attending the National Forum for Black Public Administrators in Las Vegas.

Also, she commented on her attendance at the Grace Garden Dedication and the Memorial Service for William A. Clement.

Mayor Pro Tempore Clement thanked the Durham community for the many expressions shown during the passing of his uncle, William A. Clement.

There were no priority items.

Mayor Pro Tempore Clement announced that there would be a Special City Council Meeting on Thursday, April 5, 2001 at 2:00 p.m. at the Housing & Community Development Department concerning personnel matters [New City Manager].

Mayor Pro Tempore Clement asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

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Relative to Consent Agenda Item #9 [SITE PLAN APPROVAL - EAGLE COMMONS SHOPPING CENTER], Mayor Pro Tempore Clement disclosed that Mr. G. H. Williams is his brother-in-law and that there is no conflict of interest.

Relative to the same item, Council Member McKissick asked if staff has a copy of the conceptual rendering submitted by the applicant.

A member of the City/County Planning staff replied yes.

Council Member McKissick spoke in support of Consent Agenda Items #6 [SITE PLAN APPROVAL - AUBURN RECREATIONAL FACILITY] and #9 [SITE PLAN APPROVAL - EAGLE COMMONS SHOPPING CENTER].

No items were pulled from the Consent Agenda.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**[CONSENT AGENDA]**

**SUBJECT: U.S. DEPARTMENT OF JUSTICE BULLETPROOF VEST REIMBURSEMENT PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive reimbursement in the amount of \$25,600.96 from the U.S. Department of Justice Bulletproof Vest Partnership for vests purchased by the Durham Police Department was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: REPORT ON THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 1710**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from staff concerning the potential adoption of NFPA Standard 1710 and the implications and impact on the Fire Department was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

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**SUBJECT: SETTING PUBLIC HEARING - 2001-2002 CONSOLIDATED ACTION PLAN DRAFT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to set a public hearing on Monday, April 16, 2001 to receive citizens' comments on the 2001-2002 Consolidated Action Plan Draft was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: PROPOSED REVISIONS TO THE PASSENGER VEHICLE FOR HIRE ORDINANCE - RECOMMENDED BY THE TAXICAB SUBCOMMITTEE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Adding the Following Term 'Business Day' to Section 22-16 Definitions and Amending Sections 22-37(a)(1), 22-44(b) and (c), 22-59(j), 22-65(d), 22-67(c) and (e) and 22-78(e) of Article I-III, Chapter 22 of the Durham City Code Pertaining to Passenger Vehicles for Hire" was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Ordinance #12261**

**SUBJECT: WATER AND SEWER REVENUE BONDS, SERIES 2001**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Directing the Filing of an Application with the Local Government Commission for Approval of the Issuance and Private Sale of City of Durham, North Carolina Water and Sewer Utility System Revenue Bonds, Series 2001, and Requesting the Local Government Commission to Approve the Financing Team in Connection Therewith" was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Resolution #8744**

**SUBJECT: SITE PLAN APPROVAL - AUBURN RECREATIONAL FACILITY**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Auburn Recreational Facility, submitted by the John R. McAdams Company, Inc. on behalf of Barbee Road Associates, LLC, consisting of a one-story, 4,000 square foot swim club, with 85 parking spaces, on a ±3.24 acre site, zoned PDR 5.37

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and F/J-B and located east of Pebble Creek Crossing and Barbee Road, south of Auburn Village Drive and Woodcroft Parkway Extension (Tax Map #548-1-23 [part]; Pin #0728-02-67-3879 [part], City Atlas Page 43, C-1 and C-2) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: SITE PLAN APPROVAL - CENTERPOINT OFFICE PARK**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Centerpoint Office Park, submitted by the John R. McAdams Company, Inc. on behalf of Westgate Durham, LLC, consisting of four three-story and one four-story office buildings with a total of 433,000 square feet and 1,953 automobile and 20 bicycle parking spaces, on a ±64.25 acre portion of a large site, zoned OI-2 and located north of TW Alexander Parkway, south of Lumley Road and east of South Miami Boulevard and Presidential Drive (Tax Map #579-1-18 [part], PIN #0749-04-81-8804 [part], City Atlas Page 45, D-3 and D-4) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: SITE PLAN APPROVAL - DUKE UNIVERSITY MEDICAL CENTER - CENTER FOR DISEASE MODELS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Duke University Medical Center -Center for Disease Models, submitted by Greenhorne & O'Mara, Inc. on behalf of Duke University Medical Center, consisting of a six-story, 127,950 square foot building addition to the existing Vivarium, on a ±2.22 acre portion of the Duke campus, zoned R-10 and located east of Erwin Road, south of Research Drive (private) and west of LaSalle Street (private) (Tax Map #106-1-1 [part], PIN #0811-11-66-2281 [part], City Atlas Page 22, C-3) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: SITE PLAN APPROVAL - EAGLE COMMONS SHOPPING CENTER**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Eagle Commons Shopping Center, submitted by the G.H. Williams Collaborative, PA on behalf of UDI/CDC, consisting of a 32,825 square foot, one-story retail and office building, with 133 parking spaces, on a ±2.99 acre site, zoned GC and located on the southwest corner of the intersection

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of Fayetteville Road and Pilot Street (Tax Map #85-1-12A; PIN #0820-11-75-1720, City Atlas Page 29, C-1 and D-1) was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: WATER EXTENSION AGREEMENT - PAGE ROAD BUSINESS PARK - HAMILTON MERRITT, INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water Extension Agreement with Hamilton Merritt, Inc. to extend City water to serve New Page Road Business Park, a 49.24± acre mixed use development located at the northwest corner of New Page Road and Comstock Road was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: WATER EXTENSION AGREEMENT - TILLET DEVELOPMENT COMPANY, INC., CHIN PAGE ROAD PROPERTY**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water Extension Agreement with Tillet Development Company, Inc. to extend City water to serve Chin Page Road Property, a 123.67 acre, mixed use development located at the southeast corner of Chin Page Road and Page Road was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - RDSK, L.L.C. CARPENTER POINT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Water and Sewer Extension Agreement with RDSK, L.L.C. to extend City water and sewer to serve Carpenter Pointe, a 35 lot, 19.9 acre, single family subdivision located on the south side of Carpenter Road about 1,100 feet west of Debra Drive was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO**

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**JANUARY 1, 2001**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the following voluntary annexation petitions:

Carolina Crossings at Farrington  
Enthalpy/Connor Properties  
Tillet/Chin Page Road  
Page Road Business Park  
Carpenter Pointe

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions setting public hearings on Monday, April 16, 2001 on the voluntary petition annexations for Carolina Crossings at Farrington, Enthalpy/Connor Properties, Tillet/Chin Page Road, Page Road Business Park, and Carpenter Pointe was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Resolution #8745 - 8749**

**SUBJECT: CONTRACT AMENDMENTS FOR VARIOUS CAPITAL PROJECTS**

**a. Fay Street Maintenance Facility Project**

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to establish a contingency for the Fay Street Maintenance Facility project in the amount \$250,000 and to eliminate the \$250,000 contingency in the Resolute Building Company contract; and
- 2) To authorize the City Manager to negotiate and execute change orders on the Fay Street Maintenance Facility project provided the cost of all change orders does not exceed \$250,000 and the total project cost does not exceed the Capital Project Ordinance was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**b. Solid Waste Administration Building Project - Comfort Engineers - Acorn Industrial - Riggs Harrod**

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to establish a contingency for the Solid Waste Administration Building project in the amount of \$50,000; and

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- 2) To authorize the City Manager to negotiate and execute change orders on the Solid Waste Administration Building project provided the cost of all change orders does not exceed \$50,000 and the total project cost does not exceed the Capital Project Ordinance; and
- 3) To authorize the City Manager to execute a contract amendment increasing the amount of the Comfort Engineers contract by \$2,339 from \$591,863 to \$594,202; and
- 4) To authorize the City Manager to execute a contract amendment increasing the amount of the Acorn Industrial contract by \$7,185.70 from \$173,272.00 to \$180,457.70; and
- 5) To authorize the City Manager to execute a contract amendment increasing the amount of the Riggs Harrod contract by \$156,000 from \$2,705,573 to \$2,861,573; and
- 6) To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, as Amended, the Same Being Ordinance #12150" was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Ordinance #12262**

**c. Hillside Pool Replacement Project - D. W. Ward**

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract amendment increasing the amount of the D. W. Ward contract by \$13,352.42 from \$770,254 to \$783,606.42 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**d. Historic St. Joseph's Renovation Project - The Freelon Group - Blair Construction Contract**

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to establish a contingency of \$22,800 for the Historic St. Joseph's Renovation project; and
- 2) To authorize the City Manager to negotiate and execute change orders on the Historic St. Joseph's Renovation project provided that the total cost of all change orders does not exceed \$22,800 and the total project cost does not exceed the Capital Project Ordinance; and
- 3) To authorize the City Manager to execute a contract amendment increasing the amount of The Freelon Group contract by

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\$2,742.92 from \$180,620 to \$183,362.92; and

- 4) To authorize the City Manager to execute existing change orders to the Blair Construction Contract in the amount of \$79,079 to cover the cost of stained glass window restoration, additional plaster repairs and various electrical work; and
- 5) To authorize the City Manager to execute a contract amendment increasing the amount of the Blair Construction contract by \$160,000 from \$1,622,823 to \$1,782,823 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting public hearings on Monday, April 16, 2001 for confirmation of the following assessment rolls was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

- a. **Sewer Main - Continental Drive** from east property line of Tax Map 811-1-32 to west property line of Tax Map 811-1-32 and **Continental Drive** from east property line of Tax Map 810-1-9 to west property line of Tax Map 810-1-9,
- b. **Sewer Main - Continental Drive** from north property line of Tax Map 809-1-12 to west property line of Tax Map 810-1-8,
- c. **Sewer Main - Dawn Trail** from November Drive to Thunder Road,
- d. **Sewer Main - Thunder Road** from November Drive to November Drive,
- e. **Sewer Main - November Drive** from Dawn Trail to Thunder Road.

**SUBJECT: PARKING PROHIBITION - U.S. 15-501 SERVICE ROAD (NORTHEAST OF MT. MORIAH ROAD)**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to prohibit parking at any time on the south side of the U.S. 15-501 Service Road (northeast of Mt. Moriah Road) from the south end of street maintenance to the north end of street maintenance was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson,



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McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Ordinance #12263**

**SUBJECT: FOUR-WAY YIELD SIGNS - WEST DURHAM TRAFFIC CIRCLES**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to repeal Ordinance #2077, adopted 7-16-62, which authorized the installation of stop signs on Hale Street at Green Street, northwest and southeast corners and on Knox Street at Oakland Avenue, northeast and southwest corners; and

To adopt an ordinance authorizing the installation of yield signs at the following locations: Hale Street at Green Street, Green Street at Hale Street, Oakland Avenue at Knox Street and Knox Street at Oakland Avenue was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Ordinance #12264 - 12265**

**SUBJECT: RESOLUTION MEMORIALIZING PAUL JAMES DUMAS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a "Resolution Memorializing Paul James Dumas" was approved at 7:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: SEWER MAIN - EAST ROCKWAY STREET FROM SOUTH PROPERTY LINE OF TAX MAP 740-2-5 TO SOUTH PROPERTY LINE OF TAX MAP 740-1-7**

Due to an objection, Katie Kalb, Public Works Director, requested that the property of Jeanette T. Ramsey be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

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**MOTION** by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution confirming the assessment roll for sewer main on East Rockway Street from south property line of Tax Map 740-2-5 to south property line of Tax Map 740-1-7; and

To refer the property of Jeanette T. Ramsey to the Public Works Committee for further consideration was approved at 7:16 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: WATER MAIN - EAST GEER STREET** FROM END OF WATER MAIN TO RED MILL ROAD AND **RED MILL ROAD** FROM EAST GEER STREET TO GORMAN CHURCH ROAD

Due to objections, Katie Kalb, Public Works Director, requested that the properties of Angier L. Green, Jr.; Charlie & Ethel W. Chappel; Bobby L. & Cathy D. Autrey; Cecil E. Walker; Jesse W. & Iola L. Broome, John L. & Mary B. Coble and Dewey Lee & Tammy B. Hardie.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on East Geer Street from end of water main to Red Mill Road and Red Mill Road from East Geer Street to Gorman Church Road; and

To refer the properties of Angier L. Green, Jr.; Charlie & Ethel W. Chappel; Bobby L. & Cathy D. Autrey; Cecil E. Walker; Jesse W. & Iola L. Broome, John L. & Mary B. Coble and Dewey Lee & Tammy B. Hardie to the Public Works Committee for further consideration was approved at 7:17 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: SEWER MAIN - EAST ROCKWAY STREET** FROM SOUTH PROPERTY LINE OF TAX MAP 740-2-5 TO NORTH PROPERTY LINE OF TAX MAP 740-2-3

Due to an objection, Katie Kalb, Public Works Director, requested that the properties of Ann Burton be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was

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declared closed.

**MOTION** by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution confirming the assessment roll for sewer main on East Rockway Street from south property line of Tax Map 740-2-5 to north property line of Tax Map 740-2-3; and

To refer the properties of Ann Burton to the Public Works Committee for further consideration was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: WATER MAIN - ARDEN LANE FROM ROLLING PINES AVENUE TO EAST PROPERTY LINE OF TAX MAP 646-8-1**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt a resolution ordering water main improvements on Arden Lane from Rolling Pines Avenue to east property line of Tax Map 646-8-1 was approved at 7:18 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: ZONING MATTER CASE: P00-57 - E. T. DEVELOPMENT CORPORATION - 39.08 ACRES WEST OF FAYETTEVILLE STREET, NORTH OF PANAMA TERRACE, SOUTH OF HANSON ROAD AND EAST OF MIMOSA DRIVE**

**Case: P00-57--Continued from the February 5, 2001 City Council Meeting**

Applicant: E. T. Development Corporation

Location: 39.08 acres west of Fayetteville Street, north of Panama Terrace, south of Hanson Road and east of Mimosa Drive (City Atlas Page 37, C-1)

Request: Rezoning from R-10 (Residential 10 District) and R-20 (Residential 20 District) to PDR-3.84 (Planned Density Residential District with a maximum of 3.84 units per acre)

Zoning Committee's Recommendation and Vote: Denial - (0-6) (Commissioner Edwards abstained due to a stated conflict of interest)

Planning Department's Recommendation: Denial

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To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and R-20 and placing same in and establishing same as PDR-3.84.

Dick Hails, of City/County Planning Department, noted that Mayor Tennyson received a letter from the applicant requesting a 30-day deferral.

Rick Prentice, representing the applicant, noted that due to traffic concerns on Fayetteville Road, a Traffic Impact Analysis was completed, but there hasn't been an opportunity to review it with staff. Therefore, he requested Council to defer this matter for 30 days.

Dick Hails, of City/County Planning Department, noted sometimes significant development plan changes would require the case to go back to the Planning Commission before Council takes action. He noted that he would give Council a status report in 30 days.

Council Member Blyth made a friendly amendment to authorize staff to refer this item to the Planning Commission if changes are determined to be significant.

Council Member Larson accepted the friendly amendment.

City Attorney Blinder briefed Council noting if there is an opportunity for this item to go back to the Planning Commission instead of Council, he suggested closing the public hearing and re-advertising this matter.

**MOTION** by Council Member Larson seconded by Council Member Langley to continue the public hearing on this item until the May 7, 2001 City Council Meeting and to authorize staff to refer this item to the Planning Commission if changes are determined to be significant was approved at 7:25 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**SUBJECT: ZONING MATTER CASE: P00-55 - TRIAD HOMES, INC. - 678.10 ACRES SOUTH OF SHERRON ROAD AND NORTH OF US 70**

**Case: P00-55**

Applicant: Triad Homes, Inc.

Location: 678.10 acres south of Sherron Road and north of US 70 (City Atlas Page 39, C-3, and Page 40, A-3, B-2, B-3, B-4 and C-3)

Request: Rezoning from RD (Rural District) and R-20 (Residential 20) District to PDR 3.99 (Planned Density Residential with a maximum of 3.99 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same

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being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20 and placing same in and establishing same as PDR 3.99.

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

**Note: Page 8 of the staff report, under Development Plan Comments, Item 7., has been revised to include the following language [which was inadvertently omitted]:**

7. Add the following note to the plan:

By referencing roadway improvements on the plan, the applicant agrees to construct said improvements prior to issuance of certificate of occupancy in a manner that will allow them to function as noted on the plan and in accordance with NCDOT and City of Durham standards and policies. This may include (where appropriate) but is not limited to adequate transition tapers, alignment of lanes through intersections, associated signal modifications, pavement markings, signs and markings, signal modifications, curb and gutter, coordination with other proposed roadway improvements and bike lanes. The applicant also accepts the financial responsibility for acquisition of any additional right-of-way necessary to accommodate these improvements and any required sidewalk construction. Engineering details regarding all roadway improvements will be addressed at the site plan and construction plan stage.

Dick Hails, of City/County Planning Department, briefed Council on the staff report noting that minor changes have been made and the request is consistent with plans and staff recommends approval.

Mayor Pro Tempore Clement opened the public hearing.

### **Proponent**

Jack Markham, representing the applicant, spoke in support of this rezoning commenting on the meeting held with the school representatives and requested a 30-day deferral to finalize the school situation.

A motion was made by Council Member Larson seconded by Council Member Langley to continue the public hearing until the May 7, 2001 City Council Meeting.

**SUBSTITUTE MOTION** by Council Member Blyth seconded by Council Member Wagstaff to vote on the item as printed on the agenda and to hear citizens' comments **FAILED** at 7:33 p.m. by the following vote: Ayes: Council Members Blyth, Burnette and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick and Stith. Absent: Mayor Tennyson.

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Council Member Blyth noted that her request was to allow the citizens to speak before Council took a vote on this item.

Council Member Cheek noted that there is no problem in hearing from the citizens tonight; however, he does not feel comfortable voting on this item until Council receives the information concerning the school situation.

Council Member Wagstaff spoke in support of hearing from the citizens and asked Mr. Bocckino if they wanted to speak.

Steve Bocckino, of 7340 Abron Drive, replied yes.

Several Council Members spoke in support of hearing the citizens speak tonight and the 30-day deferral.

Council Member Blyth raised a concern regarding the process.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council Member Wagstaff to reconsider the vote taken on the substitute motion was approved at 7:44 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, McKissick, Stith and Wagstaff. Noes: Council Members Langley and Larson. Absent: Mayor Tennyson.

Council Member Langley expressed concern about having the public hearing and the proponent's time [15 minutes].

Council Member Blyth asked can Council vote to extend additional time to the proponents and opponents to speak if this item is continued.

Mayor Pro Tempore Clement replied Council has that opportunity.

### **Opponents**

Steve Bocckino, of 7340 Abron Drive, spoke in opposition to this rezoning expressing school capacity concerns. He noted that Durham School children work in 122 trailers and this rezoning would send 597 children to trailers in Oak Grove and Neal schools.

Bob Jentsch, representing Zoning Committee, spoke in opposition to this request noting the proposal would have an impact on the natural area of lick creek and is not consistent with the adopted plans and written policy.

Sara Terry, representing People's Alliance, spoke in opposition to the rezoning noting this proposal will have a negative impact on the drinking water, affordable housing, transportation and schools.

Milo Pyne, representing People's Alliance, spoke in opposition to

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the rezoning expressing environmental concerns. He urged Council to oppose rezoning.

Fred Broadwell, representing Livable Durham Roundtable, spoke in opposition to this request raising environmental, poor design and affordable housing concerns.

Stacy Miller, 16 Sinnott Circle, spoke in opposition to this rezoning sharing with Council an article expressing environmental concerns.

Jennifer Albright, representing the Inter-Neighborhood Council, spoke in opposition to this project expressing concerns relative to the impact and infrastructure costs. She urged Council not vote on this matter tonight but take the additional time to reach a solution in the best interest of all citizens of Durham.

Mayor Pro Tempore Clement closed the public hearing and noted there is a request for deferral.

Council Member Blyth asked for an opportunity to speak on this matter.

**MOTION** by Council Member Blyth seconded by Council Member Burnette to allow Ms. Blyth an opportunity to speak **FAILED** at 8:13 p.m. by the following vote: Ayes: Council Members Burnette, Blyth, Edwards, McKissick and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Members Cheek, Jacobs, Hill, Langley, Larson and Stith. Noes: None. Absent: Mayor Tennyson.

**SUBSTITUTE MOTION** by Council Member Blyth seconded by Council Member Wagstaff to vote on the item as printed on the agenda **FAILED** at 8:13 p.m. by the following vote: Ayes: Council Members Blyth, Burnette and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick and Stith. Absent: Mayor Tennyson.

For clarification, City Attorney Henry Blinder asked Council if their intention was to close the public hearing.

Mayor Pro Tempore Clement noted the public hearing would be continued.

**MOTION** by Council Member Larson seconded by Council Member Langley to continue the public hearing until the May 7, 2001 City Council Meeting was approved at 8:14 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Blyth. Absent: Mayor Tennyson.

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**[OTHER MATTERS]**

**SUBJECT: INSTALLMENT PURCHASE FINANCING, SERIES 2001**

Due to an opportunity to refinance the 1995 COPS at a lower rate, Nav Gill, Finance Director, asked Council to authorize staff to look at refinancing. Also, Nav Gill commented on a correction to the resolution noting that the amount not to exceed should be \$33,000,000 instead of \$29,000,000.

**MOTION** by Council Member Larson seconded by Council Member Langley to adopt a "Resolution of the City Council of the City of Durham, North Carolina Authorizing the Negotiation of an Installment Purchase Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto" as amended was approved at 8:16 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Resolution #8750**

**Note: Public Hearing scheduled for Monday, April 16, 2001**

**SUBJECT: RESOLUTION SUPPORTING HOUSE BILL #99 - LOCAL TAX MENU LEGISLATION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution by the City Council of the City of Durham Supporting House Bill #99 - Local Tax Menu Legislation" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

**Resolution #8743**

**SUBJECT: DOUBLETAKE DOCUMENTARY FILM FESTIVAL - REQUEST FOR PERMISSION TO ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE CIVIC CENTER PLAZA**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a request by DoubleTake Documentary Film Festival to allow guests to consume alcoholic beverages on the Civic Center Plaza at the DoubleTake Documentary Film Festival opening night party on Thursday evening May 3, 2001 was approved at 8:16 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Pro Tempore Clement. Absent: Mayor Tennyson.



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[SUPPLEMENTAL ITEM]

**SUBJECT: RESOLUTION MEMORIALIZING WILLIAM ALEXANDER CLEMENT, SR.**

**MOTION** by Council Member Larson seconded by Council Member Cheek to direct the City Clerk to draft a "Resolution Memorializing William Alexander Clement, Sr." was approved at 8:17 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Mayor Tennyson.

Council Member McKissick commented on the proposed school bond and noted a resolution would be forthcoming.

There being no further business to come before the City Council, the meeting was adjourned at 8:19 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk